

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
(Martinsburg Division)**

**ESTATE OF WAYNE A. JONES,  
BY ROBERT L. JONES AND BRUCE A. JONES,  
ADMINISTRATORS OF THE  
ESTATE OF WAYNE A. JONES,**

**Plaintiffs,**

**v.**

**Docket No.: 3:13-cv-68  
(Judge Gina M. Groh)**

**THE CITY OF MARTINSBURG, WEST VIRGINIA,  
PFC. ERIK HERB,  
PFC. DANIEL NORTH,  
PTLM. WILLIAM STAUBS,  
PTLM. PAUL LEHMAN, AND  
PFC. ERIC NEELY,**

**Defendants.**

**MOTION TO DISMISS MOTION TO STRIKE CHARGING  
LIEN OF ATTORNEY LAMBERT**

COMES NOW, Sherman L. Lambert, Sr., Esquire (hereinafter referred to as “Attorney Lambert”) and moves this Honorable Court to dismiss the motion to strike the charging lien of Attorney Lambert, duly filed by Christopher E. Brown, Esquire and Paul G. Taylor, Esquire, Substitute legal counsel for the Estate of Wayne A. Jones, in the clerk’s office of the United States District Court for the Northern District of West Virginia.

In support thereof, Attorney Lambert states as follows, to-wit:

1. On September 1, 2020, Substitute legal counsel for the Estate of Wayne A. Jones, filed a *dispositive* motion to strike the charging lien of Attorney Lambert (Doc #278), on grounds stated therein.
2. However, the motion is hopelessly and fatally defective because it does not comply

with the mandatory requirements of LR Civ P 7.02.

3. LR Civ P 7.02 provides in pertinent part:

*“(a) Motions and Supporting Memoranda: All motions shall be concise, state the relief requested precisely, be filed timely, but not prematurely, and, except for nondispositive motions other than a motion for sanctions, **be accompanied by a supporting memorandum** of not more than twenty-five (25) pages, double-spaced, **and shall be further accompanied by copies of depositions (or the pertinent portions thereof), admissions, documents, affidavits and other such materials upon which the motion relies...***”

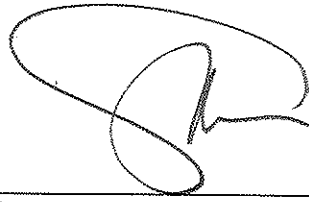
4. The instant motion filed by Christopher E. Brown, Esquire and Paul G. Taylor, Esquire, substitute legal counsel for the Estate of Wayne A. Jones, is not supported by a *memorandum of law*, nor is the motion accompanied by required sworn affidavits from Co-Administrators, Robert L. Jones and Bruce A. Jones.

5. The allegations contained in the motion to strike the charging lien of Attorney Lambert are a fraud upon the court and without required sworn affidavits, Attorney Lambert is unable to pursue perjury charges and seek other appropriate required measures.

6. Clearly, an affidavit is responsible for maintaining the rule of law. An affidavit is utilized to make certain that a person is held responsible for the vow he/she made regarding the information presented in the motion and affidavit, thereby, binding him/her to the truthfulness of the information and maintaining the rule of law.

7. The allegations contained in the motion to strike Attorney Lambert's charging lien requires compliance with LR Civ P 7.02.

WHEREFORE, Attorney Lambert requests that the Honorable Court dismiss the motion to strike Attorney Lambert's charging lien on grounds stated in the motion.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a smaller 'L' and a horizontal line.

By: \_\_\_\_\_

Sherman L. Lambert., Sr. Esq.

"/Sherman L. Lambert, Sr.  
Sherman L. Lambert, Sr., Esquire  
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**CERTIFICATE OF SERVICE**

I, Sherman L. Lambert, Sr., Esquire, hereby certify that I served a true copy of the attached **MOTION TO DISMISS MOTION TO STRIKE CHARGING LIEN OF ATTORNEY LAMBERT** and **CERTIFICATE OF SERVICE**, upon Kimberly Crockett, Assistant United States Attorney for the Northern District of West Virginia, by electronic filing with the Clerk of the Court using the CM/ECF system, on this 4<sup>th</sup> day of September 2020.

By: "s/" Sherman L. Lambert, Sr., Esquire  
Sherman L. Lambert, Sr., Esquire  
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